

### Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims:

Claim 1 (Currently Amended). Seed of soybean variety XB09J04, representative seed of said soybean variety XB09J04 having been deposited under ATCC Accession No. [[\_\_\_\_]] PTA-6439.

Claim 2 (Original). A soybean plant, or a part thereof, produced by growing the seed of claim 1.

Claim 3 (Currently Amended). The soybean plant part of claim 2, wherein said part is pollen.

Claim 4 (Currently Amended). The soybean plant part of claim 2, wherein said part is an ovule.

Claim 5 (Currently Amended). A tissue culture of protoplasts or regenerable cells produced from the plant of claim 2.

Claim 6 (Currently Amended). A The tissue culture according to claim 5, wherein the cells or protoplasts ~~of the tissue culture are obtained~~ produced from plant tissue selected from the group consisting of: leaf, pollen, cotyledon, hypocotyl, embryos, root, pod, flower, shoot and stem.

Claim 7 (Currently Amended). A soybean plant regenerated from the tissue culture of claim 5, and having all the morphological and physiological characteristics of soybean

variety XB09J04, representative seed of said soybean variety XB09J04 having been deposited under ATCC Accession No. [[ ]] PTA-6439.

Claim 8 (Currently Amended). A method for producing a progeny soybean plant comprising<sup>[[ ]]</sup> crossing the plant of claim 2 with a different soybean plant, harvesting the resultant soybean seed, and growing a soybean plant.